

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

U.S. DISTRICT COURT  
Southern District of Ga.  
Filed in Office

2/12 M  
TRB 2018

Deputy Clerk

JANET K. HIGGINS )  
Plaintiff )  
vs. ) CIVIL ACTION NO.:  
THE CITY OF SAVANNAH, GEORGIA, )  
et. al., ) 4:17-CV-00257-WTM-GRS  
Defendants )

**PLAINTIFF'S MOTION FOR SANCTIONS**

NOW COMES Janet K. Higgins, Plaintiff Pro Se, alleging Misconduct, in violation of Federal Rules of Civil Procedure 11 (b) and in accordance with Federal Rules of Civil Procedure 11 (c) (2) on the part of Shalena Cook Jones, Bar No. 526846, attorney for the Defendants in the original case Civil Action File No. SPCV17-01109-MO in the Superior Court of Chatham County State of Georgia Removed as Civil Action No. 4:17-CV-00257 WTM-GRS to United States District Court Southern District of Georgia Savannah Division. Plaintiff alleges Misconduct and violation of Fed. R. Civ. P. 11 (b) based on the following:

1. On December 27, 2017, Attorney Shalena Cook Jones filed electronically to Remove Civil Action File No. SPCV17-01109-MO (Doc. 1)
2. On the same day, Attorney Shalena Cook Jones filed NOTICE OF FILING NOTICE TO REMOVE, dated December 28, 2017 with the United States District Court. (Doc. 1) and attached by Plaintiff.
3. On December 27, 2017 Attorney Shalena Cook Jones filed a Declaration stating verification under penalty of perjury that the foregoing is true and correct. (Doc. 1) and attached by Plaintiff
4. On December 28, 2017 the United States District Court effected the Removal and notifications were subsequently sent USPS to Plaintiff, along with General Order (Rule 26) and Notice of Counsel of Record. (Doc. 1) and attached by Plaintiff.
5. On January 16, 2018, Shalena Cook Jones filed “NOTICE OF FILING NOTICE TO REMOVE” with the Superior Court of Chatham County State of Georgia, and said document being filed to effectively Remove the Civil Action File No. SPCV17-01109-MO, in accordance with 28 U.S.C. § 1446(d) and a search of Superior Court records and questions presented to the clerk’s office provided the fact that Shalena Cook Jones did not file the NOTICE OF FILING NOTICE OF REMOVAL on December 28, 2017, with the Superior Court of Chatham County as filed and Declared as true and correct under penalty of perjury with the U.S. District Court.
6. Attorney Shalena Cook Jones did not and has not filed the NOTICE OF FILING NOTICE TO REMOVE, dated January 16, 2018 and filed with the Superior Court, with the U.S. District Court.
7. Attorney Shalena Cook Jones did not and has not contacted the U.S. District Court to notify the Court that the Document filed, and under Declaration, was, in fact, never filed with the Superior Court to properly effect the Removal and that the December 28, 2017 date for Removal was incorrect.
8. Attorney Shalena Cook Jones has allowed 46 days to elapse without notifying the U.S. District Court of the December 27, 2017 filing and 26 days have elapsed since the January 16, 2018 filing of what was to essentially be the same document.
9. Attorney Shalena Cook Jones has made it clear to this Plaintiff that she has 16 years of experience as an attorney, has been an Assistant D. A. in Texas and an Assistant D. A. in

Chatham County Georgia and has also defended Cities many times. This Plaintiff fails to see how someone of Ms. Jones education and experience in the law can claim this is an accident, especially since she chose not to report it to the U.S. District Court.

10. Attorney Shalena Cook Jones, in Plaintiffs view of the evidence and the laws which govern Removal, 28 U.S.C. § 1446, has violated Federal Rules of Civil Procedure 11 (b) and should receive Sanctions as deemed appropriate by the United States District Court for The Southern District Of Georgia Savannah Division.

Respectfully submitted this 12<sup>th</sup> day of February, 2018,

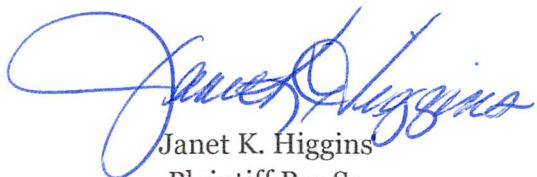


Janet K. Higgins  
Plaintiff Pro Se

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day filed the foregoing pleading, Plaintiff's Motion for Sanctions, with the Clerk of Court and I have served a copy of same upon Shalena Cook Jones, Attorney for the Defendants in this case, via Certified USPS Return Receipt Requested, proper postage affixed and addressed as follows:

The Law Office of  
Shalena Cook Jones  
1909 Abercorn St.  
Savannah, Ga. 31401



Janet K. Higgins  
Plaintiff Pro Se  
55 N Fresno Ave.  
Hernando Fl. 34442  
352-270-2712 352-270-1475  
[jkhignz@gmail.com](mailto:jkhignz@gmail.com)

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

JANET K. HIGGINS, )  
Plaintiff, )  
vs. )  
THE CITY OF SAVANNAH, GEORGIA, ) CIVIL ACTION NO.: \_\_\_\_\_  
EDDIE DELOACH, VAN R. JOHNSON, )  
BILL DURRENCE, JOHN HALL, )  
DR. ESTELLA EDWARDS SHABAZZ, )  
BROOKS STILLWELL, )  
CAROLYN BELL, BRIAN FOSTER, )  
TONY THOMAS, JULIAN MILLER, )  
JOHN SAWYER, ROB HERNANDEZ, )  
and RICHARD SPIVEY, )  
Defendants. )

**NOTICE OF REMOVAL TO THE**  
**UNITED STATES DISTRICT COURT**

Now come Defendants in the above-styled action, THE CITY OF SAVANNAH, GEORGIA, EDDIE DELOACH, VAN R. JOHNSON, BILL DURRENCE, JOHN HALL, DR. ESTELLA SHABAZZ, BROOKS STILLWELL, CAROLYN BELL, BRIAN FOSTER, TONY THOMAS, JULIAN MILLER, JOHN SAWYER, ROB HERNANDEZ and RICHARD SPIVEY, (hereinafter referred to as the "Defendants") and, without waiving but specifically reserving all rights, objections and defenses including but not limited to lack of jurisdiction, improper process, improper service of process and venue, hereby file this Notice of Removal pursuant to Fed. R. Civ. P. 81(c) and 28 U.S.C. §§ 1332, 1441 and 1446, respectfully show this Court the following.

**FACTUAL AND PROCEDURAL BACKGROUND**

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

JANET K. HIGGINS, )  
Plaintiff, )  
 )  
vs. )  
 )  
THE CITY OF SAVANNAH, GEORGIA, ) CIVIL ACTION NO.:SPRV17-01109-MO  
EDDIE DELOACH, VAN R. JOHNSON, )  
BILL DURRENCE, JOHN HALL, )  
DR. ESTELLA EDWARDS SHABAZZ, )  
BROOKS STILLWELL, )  
CAROLYN BELL, BRIAN FOSTER, )  
TONY THOMAS, JULIAN MILLER, )  
JOHN SAWYER, ROB HERNANDEZ, )  
and RICHARD SPIVEY, )  
Defendants. )

**NOTICE OF FILING NOTICE OF REMOVAL TO THE  
UNITED STATES DISTRICT COURT**

TO: Clerk of Court  
Superior Court of Chatham County  
133 Montgomery Street, Suite 304  
Savannah, Georgia 31401

In compliance with 28 U.S.C. § 1446(d), you are hereby notified of the filing of a Notice of Removal in this action with the United States District Court for the Southern District of Georgia, Savannah Division, a copy of which is attached hereto.

Respectfully submitted, this 28<sup>th</sup> day of December, 2017.

*(Signature blocks on the following page.)*

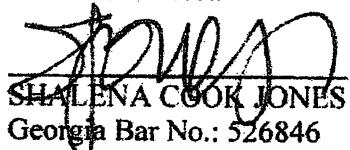
IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

JANET K. HIGGINS, )  
Plaintiff, )  
vs. )  
THE CITY OF SAVANNAH, GEORGIA, ) CIVIL ACTION NO.: \_\_\_\_\_  
EDDIE DELOACH, VAN R. JOHNSON, )  
BILL DURRENCE, JOHN HALL, )  
DR. ESTELLA EDWARDS SHABAZZ, )  
BROOKS STILLWELL, ) Jury Trial Demanded  
CAROLYN BELL, BRIAN FOSTER, )  
TONY THOMAS, JULIAN MILLER, )  
JOHN SAWYER, ROB HERNANDEZ, )  
and RICHARD SPIVEY, )  
Defendants. )

**DECLARATION**

Pursuant to 28 U.S.C. § 1746, SHALENA COOK JONES declares that she is counsel of record for Defendants in the above-styled action and, as such, is authorized by Defendants to make this Declaration and, further, that she is competent to make this Declaration and that the facts set forth in the foregoing Notice of Removal are true and correct to the best of her knowledge, information and belief.

I verify under penalty of perjury that the foregoing is true and correct.

  
SHALENA COOK JONES  
Georgia Bar No.: 526846

Sworn to and subscribed before me  
this 27<sup>th</sup> day of December, 2017.

  
NOTARY PUBLIC

My Commission Expires: 4/5/2021

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA**

CASE NO. \_\_\_\_\_

**GENERAL ORDER**

Federal Rule of Civil Procedure 26(f) requires the parties to confer, develop a proposed discovery plan, and submit a report to this Court. Subsequent to the filing of the report, a Scheduling Order must be entered pursuant to Fed. R. Civ. P. 16(b). Therefore, by the *earlier* of **60 days** after any defendant has been served with the complaint or **45 days** after any defendant has appeared, the parties shall confer as provided in Rule 26(f). See L.R. 26.1(a). Within **14 days** after the required conference held pursuant to Rule 26(f), the parties shall submit to the Court a written report conforming to the language and format of the Rule 26(f) Report attached to this Order. L.R. 26.1(b); see Appendix of Forms to Local Rules.

Except in unusually protracted or complex cases, the parties will be expected to adhere to the following deadlines and limitations:

Which Office? Savannah

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**RESET FORM**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

Scott L. Poff  
Clerk

OFFICE OF THE CLERK  
P.O. Box 8286  
SAVANNAH, GEORGIA 31412

(912)650-4020

4:17cv-257 Higgins v. The City of Savannah, Georgia et. al.

RE: \_\_\_\_\_

**NOTICE TO ALL COUNSEL OF RECORD**

Take notice that the above-styled NOTICE OF REMOVAL has been docketed in  
the Southern District of Georgia, Savannah Division.

The Civil Action Number assigned to this case is: 4:17cv257

The case was filed and docketed on 12/28/2017,

and has been assigned to Judge William T. Moore, Jr..

THE REMOVING PARTY IS DIRECTED TO FILE A STATEMENT ENUMERATING ALL  
MOTIONS PENDING IN SAID CASE WITHIN THE STATE COURT AT THE TIME OF REMOVAL.  
THE REMOVING PARTY IS ALSO DIRECTED THAT COPIES OF ALL PENDING MOTIONS  
AND RESPONSES SHALL BE PROVIDED TO THE COURTROOM DEPUTY CLERK FOR THE  
PRESIDING JUDGE WITHIN TEN (10) DAYS OF REMOVAL.

DATE: 12/28/2017

CC:

Janet K. Higgins  
Shalena C. Jones

SCOTT L. POFF, CLERK

BY:

James R. Burnell  
Deputy Clerk

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

FILED IN OFFICE

2018 JAN 16 PM 4:33

1600m  
DEP. CLK SUPERIOR CT.  
CHATHAM COUNTY, GA.

JANET K. HIGGINS, )  
Plaintiff, )  
vs. )  
THE CITY OF SAVANNAH, GEORGIA, )  
EDDIE DELOACH, VAN R. JOHNSON, )  
BILL DURRENCE, JOHN HALL, )  
DR. ESTELLA EDWARDS SHABAZZ, )  
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TONY THOMAS, JULIAN MILLER, )  
JOHN SAWYER, ROB HERNANDEZ, )  
and RICHARD SPIVEY, )  
Defendants. )

CIVIL ACTION NO.:SPCV17-01109-MO

**NOTICE OF FILING NOTICE OF REMOVAL TO THE  
UNITED STATES DISTRICT COURT**

TO: Clerk of Court  
Superior Court of Chatham County  
133 Montgomery Street, Suite 304  
Savannah, Georgia 31401

In compliance with 28 U.S.C. § 1446(d), you are hereby notified of the filing of a Notice of Removal in this action with the United States District Court for the Southern District of Georgia, Savannah Division, a copy of which is attached hereto as Exhibit 'A'. This case has been filed and docketed in said court and has been assigned Civil Action No.:4:17cv257, as evidenced by the Notice attached hereto as Exhibit 'B.'

Respectfully submitted, this 16<sup>th</sup> day of January, 2018.